

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING, WITHOUT PREJUDICE, THE UNRESOLVED PORTION
OF THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT’S
MOTION FOR A SHOW-CAUSE ORDER
AGAINST THE ASSOCIATION OF MUNICIPAL ENGINEERS
(DOCKET # 11853)**

On April 19, 2017, the City of Detroit Water and Sewerage Department (the “DWSD”) filed a motion seeking an order to show cause against the Association of Municipal Engineers (the “AME”), the Association of Detroit Engineers, the Sanitary Chemists and Technicians Association, and John Runyan (collectively, the “Respondents”) (Docket # 11853, the “Motion”). The Motion was recently resolved as to all Respondents except AME, by a stipulated order filed on May 24, 2017 (Docket # 11890). On May 31, 2017, the DWSD filed a Certificate of Non-Response, indicating that AME did not timely object to the Motion (Docket # 11892).¹ Consistent with the Motion, the DWSD also submitted a proposed order, containing the following relief: requiring the AME to “appear and show cause why they should not be held in contempt;” setting a hearing; and ordering that “sanctions will be awarded to the [DWSD] and against the [AME] in an amount to be determined by the Court at a hearing to be scheduled after entry of this Order.”

¹ A non-substantive response to the Motion was filed on May 8, 2017, by Partho Ghosh, apparently on behalf of AME, and as President of AME (Docket # 11859). But that response was stricken by the Court, because Mr. Ghosh is not an attorney admitted to practice in this Court, by the order filed on May 9, 2017 (Docket # 11864). No further response to the Motion has been filed by AME.

The Court will deny the unresolved portion of the Motion, *i.e.*, the part of the Motion directed against AME, without prejudice, for the following reasons.

There is no procedure under the Federal Rules of Bankruptcy Procedure or local bankruptcy rules for a party to move for an order to show cause. If the DWSD wishes to seek relief for a party's failure to comply with one or more orders of the Court, the DWSD may file a motion for an order holding the party in contempt and for contempt-related relief. Any such motion must comply with L.B.R. 9014-1 (E.D. Mich.).

Accordingly,

IT IS ORDERED that the Motion (Docket # 11853) is denied, as to AME only, without prejudice to the right of the DWSD to file a motion for an order holding AME in contempt and for contempt-related relief.

Signed on May 31, 2017

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge